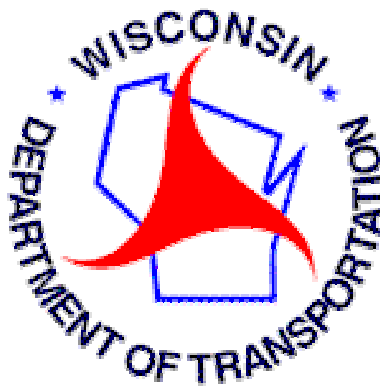


Information Packet

For

Flood Damage Aids Program



March, 2004

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Website: <http://www.dot.wisconsin.gov/localgov/highways/flood.htm>

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Flood Damage Aid Program Overview

Purpose

The Wisconsin Department of Transportation's (WisDOT) Flood Damage Aids (FDA) Program provides financial assistance to local governments for the repair of roads and roadway structures that have had major damage due to flooding.

Description

In accordance with Wisconsin Statute s. 86.34, any town, village, city or county may apply for financial aid for flood damage to any public highway, street, alley, or bridge under its jurisdiction that is not on the State Trunk Highway System. Applicants may obtain funds for repairing a road to match its pre-flood condition (i.e. replacement) and for making changes to a road, its drainage facilities, etc. to prevent similar damage(s) from occurring in the future (i.e. improvement). The applicant pays a share of these replacement and improvement costs.

To apply, the governing body must adopt a petition for aid, which includes information specified by WisDOT, and file the petition with WisDOT within 60 days of the date of the flood. The local clerk must also certify the petition. For counties, the county highway committee may adopt the petition and the committee chair may certify the petition, or a county highway commissioner may do both if the county does not have a committee.

WisDOT may extend the filing deadline for petitions if it appears reasonably likely that federal disaster aid may be forthcoming or when widespread or continuous flooding makes an evaluation of flood damage difficult. If federal aid is granted for damage to a particular facility, the federal aid shall be in lieu of aid otherwise available for such damage under Wisconsin Statute s. 86.34.

It is the applicant's responsibility to prove eligibility. Pictures are not required but have been proven to be very effective in documenting damages. Verifiable repair costs or cost estimates are required for each site, which can be in the form of invoices, receipts, and/or electronic and hand-written records. Claims may be ruled ineligible if there is a lack of proper documentation.

It is not the intent of the law to assist local governments in the ordinary repair and conditioning of roads and bridges, but rather to take care of distinctly out-of-the-ordinary situations.

Eligible Damages

For road damages to be eligible, the road must have been closed or rendered impassable due to a flood. However, when water is over the road and it forces closure, it does not automatically make the resultant damages eligible. Typical damages considered eligible are:

- ◆ Roadbed and/or culvert washouts
 - Structure failures or undermining
 - Pavement (driving surface) undermining
 - Embankment failures, major shoulder washouts, and curb & gutter or storm sewer facility damages that cause a loss of roadbed integrity

- ◆ “Heavy maintenance” damages are **not** eligible. Typically, this includes:
 - Partial loss or marring of road surface material
 - Minor shoulder washouts or embankment failures
 - Minor damages to curb & gutter or storm sewer facilities
 - Ditch erosion or cleaning
 - Debris removal

Municipal utilities are not eligible unless they are an integrated part of a road, as in the case of a combination storm/sanitary sewer.

ROLES AND RESPONSIBILITIES

Local Government

1. Notify the WisDOT District office of the flood damage. (See page 6 for contact information.)
2. Submit the Flood Damage Aid petition within 60 days of the flood date. The county highway committee (commissioner if there is no committee) or the governing body of the municipality having jurisdiction over road maintenance may apply for the Flood Damage Aid. For each site on the petition, include:
 - ◆ At least one picture.
 - ◆ A complete description as to the nature and extent of the damages. (See list of eligible damages listed in the overview.)
 - ◆ One map showing all site locations.
3. Accompany a WisDOT representative on a field review of damaged sites.
4. If petition is eligible, then final costs must be submitted within two years of the petition date (date resolution is passed). In exceptional circumstances, extensions may be granted.

When repairs are made, it is extremely important to keep detailed cost records for each site, since these costs must be reported to WisDOT and verified before any payment will be made. Typical cost records include:

- ◆ List of workers used, their hourly labor rate, and hours worked.
- ◆ List of equipment used, rental or charge rates, and hours used.
- ◆ List of materials used, price per unit, and quantities used.
- ◆ Invoices for labor, equipment, and materials.
- ◆ Invoices for contractor, engineering, and similar services.

Other cost records to consider:

Eligible

- ◆ Costs for film, film processing, and labor to take pictures.
- ◆ Social Security and Medicare rates for labor.
- ◆ Traffic control devices used (rented or owned) to prevent access to the damaged site.

Ineligible

- ◆ Labor costs for field reviews, meetings, and preparing claim documentation, which are considered administrative items.
- ◆ Labor rates that include insurance, retirement, or personal benefits.
- ◆ Site vandalism or theft.

WisDOT District Office

1. As soon as possible after being notified of the flood, provide local officials with an informational packet that includes the petition form, and act as a resource for any questions regarding the program.
 - ◆ Due to significant annual turnover in local government, it may be helpful to send out packets of information every year.
2. Within six months of receiving the petition, perform a field review.
 - ◆ A local government representative should also participate.
 - ◆ If the entire claim is not eligible after the review, the local government must be notified in writing. The same notification must occur if only portions of the claim (i.e. specific sites) are ineligible.
3. If the claim is eligible, assist local government officials to complete the necessary documentation within designated time frame.
 - ◆ If repairs are completed and final costs can be tabulated, submit all necessary records, invoices, etc., with the claim.
 - ◆ Calculate a cost estimate for repairs (\$15,000 or less) if applicant consents, and submit any cost records, invoices, etc. if available. Inform applicant that no additional funds will be paid on this type of claim.
 - ◆ An authorized representative of the local government must sign the payment recommendation.
 - ◆ An authorized district representative must also sign the payment recommendation.
3. Submit to WisDOT Local Transportation Programs and Finance Section (LTPF) the following completed documentation:
 - ◆ Cover Memo (DT 2084) from FDA coordinator
 - ◆ Petition (DT2067)
 - ◆ Payment Recommendation (DT2068)
 - ◆ District Investigation and Cost Estimate (DT2069)
 - ◆ Photos, invoices, records, etc.
 - ◆ Site map

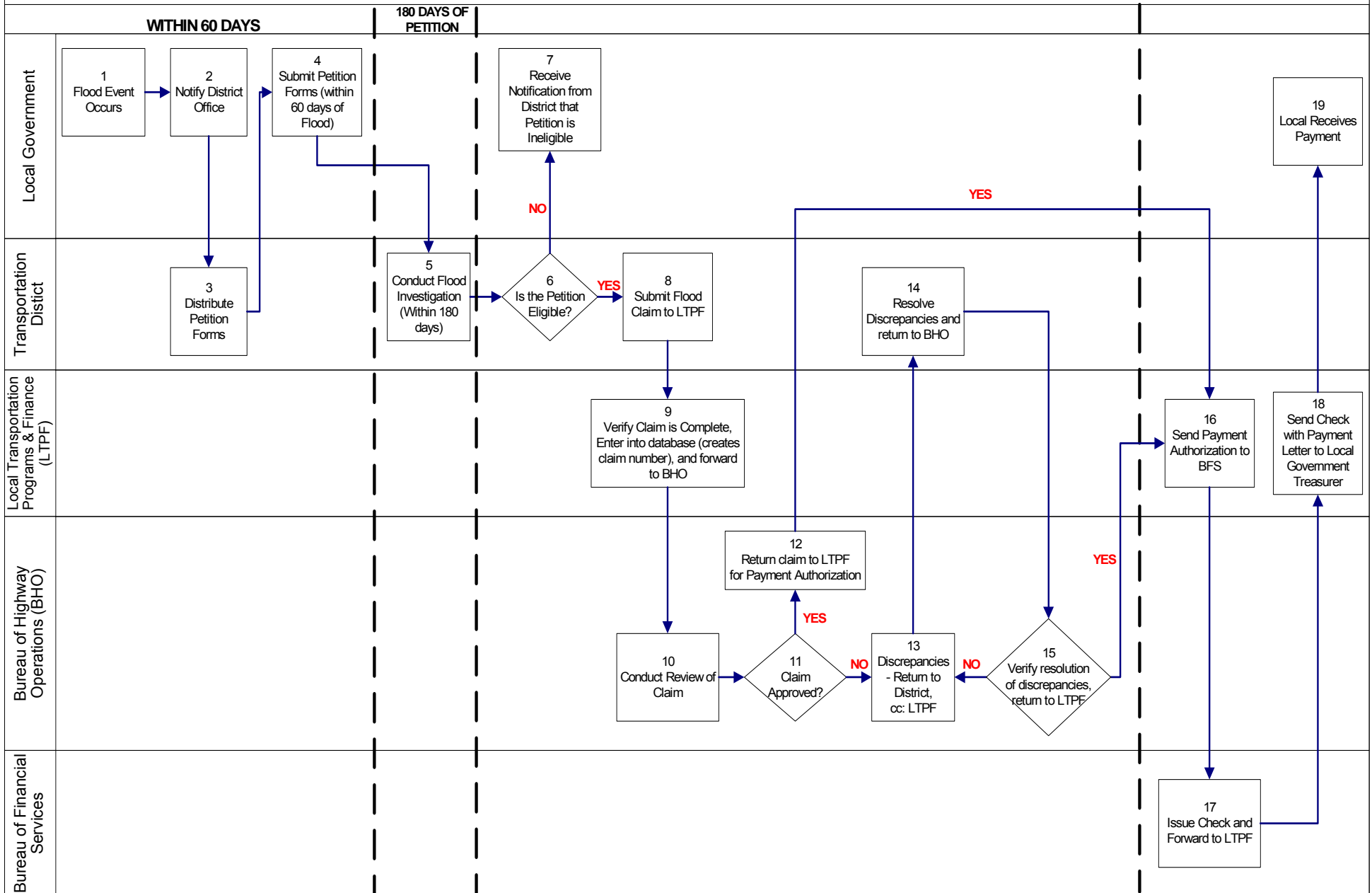
Local Transportation Programs and Finance (LTPF)/Bureau of Highway Operations (BHO)/Bureau of Financial Services (BFS)

1. The FDA Program Manager in LTPF checks submitted claims for completeness (all forms present, petition date within 60 days of flood event, etc.)
2. The FDA Program Manager in LTPF enters the claim information into the FDA database, and a claim number is assigned.
3. Claim is sent to BHO for eligibility and documentation review.
4. Upon BHO approval, claim returned to LTPF.
5. LTPF completes final sign-off, and requests payment from BFS. (Check cut within 2 weeks of request.)
6. After receiving check from BFS, LTPF prepares a cover letter that will be mailed with the check to the local government's treasurer. A copy of the letter is also sent to the FDA coordinator in the WisDOT District.

TRANSPORTATION DISTRICT CONTACTS

District 1 - Madison: Mary Kenny (608) 246-3877 mary.kenny@dot.state.wi.us	District 2 - Waukesha: Tony Barth (262) 548-5936 tony.barth@dot.state.wi.us
District 3 - Green Bay: Al Beyer (920) 492-5701 allen.beyer@dot.state.wi.us	District 4 - Wisconsin Rapids: Ron Hintz (715) 421-8329 ronald.hintz@dot.state.wi.us
District 5 – LaCrosse Bob Hanifl (608) 785-9361 robert.hanifl@dot.state.wi.us	District 6 - Eau Claire: Paul Gingras (715) 836-3038 paul.gingras@dot.state.wi.us
District 7 – Rhinelander Brian Gaber (715) 365-5751 brian.gaber@dot.state.wi.us	District 8 – Superior Anna Davey (715) 392-7960 anna.davey@dot.state.wi.us

Flood Damage Aid Process



PROCESS

The flowchart identifies the general procedures utilized for the Flood Damage Aids (FDA) program. The following is a step-by step description of each procedure:

Step 1, 2, and 3: Once a Flood occurs the local government notifies the WisDOT District office. As soon as possible after the Transportation District Office is notified of the flood damage, they are to provide the local with a packet of information.

Step 4: The local unit is required to submit a petition for flood damage aid that describes the location, nature, and extent of the damage. This constitutes a formal request for aid. A flood can occur from one storm or several storms over one or more days. Therefore, all sites in a local government jurisdiction should be listed on a single petition for a flood event. This is especially important to fairly administer the provision allowing claims of \$15,000 or less to be paid on estimates. The petition is to be submitted to the district office of the WisDOT. If federal aid is granted for damage to a particular facility, it shall be in lieu of aid otherwise available under the Flood Damage Aids Program.

- ◆ On claims over \$15,000, an applicant may receive 75% of replacement costs, **PLUS** 50% of improvement costs.
- ◆ On claims of less than \$15,000, the applicant has the option of accepting payment equal to 75% of the total amount of the Department's estimate **OR** submitting final costs and receiving payment as described above for claims larger than \$15,000.
- ◆ If it appears that federal disaster aid may be forthcoming, the Department may extend the two-month petition deadline.

Step 5: According to Wisconsin Statute s.86.34 the WisDOT District office is required to investigate within 6 months from the date of filing the petition (date of resolution). Representatives of the unit involved and/or the County Highway Commissioner may join the investigation if they wish to do so.

Step 6 and 7: The WisDOT District office makes the determination of eligibility of petition.

- ◆ If all or part of a claim is ineligible, the district will notify the petitioner in writing.
- ◆ If the claim is eligible, the local government must submit final costs within two years from the date the district receives the petition. Payments are made based on final cost statements. Under exceptional circumstances extensions may be granted.

Step 8: The flood claim has been declared eligible and will be submitted to the WisDOT Local Transportation Programs and Finance Section.

Step 9 and 10: Once LTPF receives the claim it is verified for completeness and accuracy. The claim information is entered into the FDA database and assigned a number. The claim is then forwarded to BHO. The process relies on BHO's engineering expertise to review the claim for eligibility and to confirm costs.

Steps 11 and 12: If the claim is approved, it is sent to LTPF section to authorize payment.

Steps 13, 14, and 15: If discrepancies are found, the claim is returned to the Transportation District office or a request is made for more information. BHO can deny the claim, or parts of a claim if they feel it is ineligible. Once all issues are cleared up, the claim will be approved and sent to LTPF to authorize payment.

Step 16 and 17: LTPF requests the check be cut for the claim amount from the WisDOT Bureau of Financial Services. BFS notifies LTPF when the check is ready.

Step 18: LTPF prepares the payment letter and sends out with the check.

- ◆ Courtesy copies go to the County Highway Commissioner, Clerk, and WisDOT District FDA contact.
- ◆ Check is usually processed within 2 weeks after request is submitted to BFS.

Step 19: Local government receives check.

86.34 Flood damage aids. (1) (a) When any public high-way, street, alley or bridge not on the state trunk highway system is damaged by flood, the county highway committee, or the governing body of the municipality having jurisdiction over the maintenance thereof, may adopt a petition for aid under this section and file a certified copy thereof with the department. To be eligible for aid the petition shall be filed not later than 2 months after the occurrence of the flood damage, except as provided in par. (b). All such petitions shall state the dates on which the flood damage occurred and as nearly as practical state the location, nature and extent of the damage.

(b) The department may extend the filing deadline under par. (a) if it appears reasonably likely that federal disaster aid may be forthcoming or when widespread or continuous flooding makes an evaluation of flood damage difficult.

(c) A county or municipality having jurisdiction over the facilities damaged may apply for both state and federal aid for damage to the facilities pending a determination of eligibility. If federal aid is granted for damage to a particular facility, the federal aid shall be in lieu of aid otherwise available for such damage under this section.

(2) The department shall make such investigation as it deems necessary and within 6 months from the date of filing the petition shall make its determination as to the granting of aid, the amount thereof, and the conditions under which it is granted. In making its determination the department shall cause an estimate to be made of the cost of repairing or replacing the facilities damaged or destroyed by the flood to standards and efficiency similar to those previously existing, and also an estimate of the cost of reconstructing to a higher type or improving any such facilities if determined to be warranted and advisable. Except as provided in sub. (2m), the amount of aid shall be three-fourths of the cost of repair or replacement to standards similar to those previously existing, plus 50% of the increased cost of the reconstruction to a higher type or the improvement of any of the facilities. The

department may revise estimates on the basis of additional facts. The county, town, village or city shall pay the remainder of the cost not allowed as aid, but this shall not invalidate any other provision of the statutes whereby the cost may be shared by the county and the town, village or city.

(2m) If the department's estimate under sub. (2) of the cost of repair or improvement of the facilities determined by the department to be eligible for aid is \$15,000 or less, the department shall offer the petitioner an amount of aid equal to 75% of the total amount of the department's estimate. If the petitioner accepts aid under this subsection, the aid shall be paid to the petitioner or, subject to sub. (5), the county, and no other form of aid is available under this section for the repair or improvement of such facilities.

(3) Aid allotted under sub. (2) shall be held to the credit of the county, town, city or village for not more than 2 years or for such other period as the department may grant, and, except as otherwise provided in this section, shall be paid to the treasurer thereof upon presentation to and approval by the department of certified statements setting forth the cost of the construction, reconstruction, repair or improvement of the facilities determined by the department to be eligible for aid. The certified statement shall set forth separately the amount expended on each such facility. The aid to be paid shall be the summation of the amounts determined or revised under sub. (2), as adjusted by the certified statements approved by the department. This subsection does not apply to aid awarded under sub. (2m).

(5) Any town, city or village may, and at the discretion of the department shall, arrange to have such work for which aid is granted performed by the county, and in such case, on order of the town, city or village, the aid from the state for such work shall be paid to the county.

History: 1971 c. 125 s. 522 (1); 1973 c. 333 s. 201w; 1977 c. 29 ss. 981, 1654 (8) (c); 1979 c. 34 s. 2102 (52) (a); 1979 c. 110 s. 60 (12); 1981 c. 20; 1985 a. 29 s. 3202 (51); 1987 a. 137 s. 6; 1993 a. 16, 437.

FLOOD DAMAGE AID PETITION

DT2067 2004

Wisconsin Department of Transportation

Office Use Only

Claim No. _____

This petition must be submitted by the Local Governments within two months of the date of the flood to your Wisconsin Department of Transportation District Office.

Choose one:

- ☐ The Governing Body of ☐ Town; ☐ City; ☐ Village; of _____
- ☐ The Highway Committee/Commissioner of _____

_____ County petitions the Wisconsin Department of Transportation for aid, pursuant to s.86.34 Wisconsin Statutes, for damage to public highways under the its jurisdiction resulting from a flood which occurred on _____ (date). The location, nature, and extent of the damage to such highway(s) as a result of that flood is described below and indicated on the attached map.

Site Number	Road Name and Location	Nature and Extent of Damages	Estimated Repair Cost

Our preliminary estimate of the total cost of the damage is \$ _____

I certify that the foregoing is a true and correct copy of a petition adopted by the municipality or county identified above at its meeting held on _____ (date).

(Authorized Representative-Please Print)

(Signature)

(Date)

Mailing Address

Area Code - Telephone Number

E-mail Address (If available)

**Please Attach Map Showing Damage Sites And
Submit 1 Photo Per Site If Available**

Examples: How the payment calculations work

- ◆ For claims over \$15,000, an applicant may receive 75% of replacement costs, **PLUS** 50% of improvement costs.
- ◆ For claims of less than \$15,000, the applicant has the option of accepting payment equal to 75% of the total amount of the Department's estimate **OR** submitting final costs and receiving payment as described above for claims larger than \$15,000.

Example 1: An 18" diameter culvert washed out, closing the road. Instead of replacing it with another 18" culvert, a 24" diameter culvert was installed to minimize future flood damage. The cost to install the 24" culvert along with road grading was \$1,000. Assuming an 18" culvert costs \$100 and a 24" culvert costs \$200, here is how the payment is calculated:

Improvement Cost: The improvement is the incremental cost of the larger sized culvert. \$200 (24" culvert) minus \$100(18" culvert) = \$100.00

Replacement Cost. If an 18" culvert was replaced in kind, cost of the job would have been: \$1000 total cost minus \$100 improvement cost = \$900.00

Replacement cost plus the improvement cost must equal the total cost of the job. In this case \$900.00 + \$100.00 = \$1000.00

Calculation	Replacement @ \$900 x 0.75 =	\$675.00
	Plus Improvement @ \$100 x 0.50	\$50.00
	Payment Amount	\$725.00

Example 2: The existing twin box culvert has a 96 sq. ft. drainage opening and the community wants to improve the bridge and put in a 139 sq ft. drainage opening.

Actual Contract Costs

Contract	\$75,161.80	(Roadway=\$16,228, Structure - \$58,933.80)
Engineering	\$11,377.21	
Town Board	\$177.00	
Total cost of Job	\$86,716.10	

First you need to calculate the percentage of the improvement. Take the new 139 sq. ft. opening minus the old 96 sq. ft. opening = 43 sq ft. divided by 139 = 30.94%.

Improvement Cost: Only the structure was improved, the roadway cost is considered a replacement.

Contract (Structure only)	\$58,933.80 x .3094	\$18,234.12
Engineering	\$11,377.21 x (\$58,933.80 divided by \$75,161.80 or .7841%) x .3094	\$2,760.12
Town Board	\$177.00 x (\$58,933.80 divided by \$75,161.80 or .7841%) x .3094	\$42.93
	Total	\$21,037.17

The Replacement Cost: The difference: \$86,716.10 minus \$21,037.17 for a total of \$65,679.20.

Calculation	Replacement @ 65,678.93 x 0.75 =	\$49,259.40
	Plus Improvement @ \$21,306.81 x 0.50	\$10,518.41
	Payment Amount	\$59,777.81

OVERVIEW OF EMERGENCY HIGHWAY AID PROGRAMS IN WISCONSIN

CATEGORY	EMERGENCY RELIEF (ER)	PUBLIC ASSISTANCE (PA)	FLOOD DAMAGE AIDS (FDA)
(1) Administering Agencies	<ul style="list-style-type: none"> Federal Highway Administration (FHWA) WisDOT, DTID-BHO and DTD 	<ul style="list-style-type: none"> Federal Emergency Management Agency (FEMA) Wisconsin Emergency Management (WEM) WisDOT, DTID-BHO (admin) and DTD (inspections) 	WisDOT, DTIM, Bureau of Transit & Local Roads
(2) Coverage	<p>Roadway or roadway structure damage on ALL Federal-Aid Highways resulting from a catastrophic failure or natural disaster.</p> <p>Besides physical damage, ER also includes debris removal and emergency protective measures such as traffic control and detour signing.</p>	<p>Damage to any publicly owned or certain private non-profit facility. This includes damage to parks, schools, buildings, utilities, and roadways / roadway structures that are NOT on the Federal-Aid Highway System. PA also covers debris removal and emergency protective measures on ALL roads regardless of classification. Emergency measures include pumping, sandbagging, traffic control, detour signing, and police/fire protection.</p>	<p>Damage to any roadway or roadway structure that is caused by flooding and is not on the State Trunk Highway System.</p>
(3) Activation	<p>Minimum damages of \$700,000 (Fed share) needed before ER process is started. Also required is Governor's Disaster Declaration.</p>	<p>Presidential Disaster Declaration required for a county to become eligible for PA funds. A Governor's State of Emergency will precede the Presidential Declaration.</p>	<p>A local government authority must submit a FDA petition to the local transportation District office for damaged roads or structures under its jurisdiction.</p>
(4) Payment Coverage	<p>Emergency repairs: 100% if done within 180 days of the event, otherwise they are paid on prorated basis.</p> <p>Permanent restoration projects: 90/10 (Interstate) or 80/20 (non-Interstate). Also includes, if necessary, preliminary engineering on those projects.</p>	<p>Grant-share arrangement where:</p> <ul style="list-style-type: none"> FEMA pays 75% WEM pays 12.5% Applicant pays 12.5% 	<p>(1) For claims > \$15,000, applicant receives 75% of replacement costs plus 50% of improvement costs.</p> <p>(2) For claims ≤ \$15,000, applicant may accept payment equal to 75% of WisDOT's estimate for all repairs (replacement and improvement), which may include final costs if available.</p> <p>(3) For claims ≤ \$15,000 when applicant disagrees with WisDOT's estimate, applicant submits final costs payable as noted in (1).</p> <p>(4) If Federal aid is granted for damage reimbursement, it shall be in lieu of aid otherwise available under FDA.</p>
(5) Time Limits	<p>- Emergency repairs must be completed within 180 days of the event.</p> <p>- Permanent restoration projects must be completed within 2 years of the event.</p>	<p>Damage MUST have occurred within the incident (disaster) period as specified by FEMA and WEM. The incident period may cover one day or a series of days.</p>	<p>Petitions must be submitted within 60 days, and final costs submitted within 2 years of the flood damage event. If federal disaster aid may be forthcoming, the deadline may be extended.</p>
(6) Limitations	<p>Damage should be at least \$5,000 per site. Heavy maintenance activities (e.g. minor shoulder washouts, slides, etc.) are not eligible. Damage must be directly related to disaster. A permanent restoration project needs FHWA approval before commencing unless it is more economical or practical to perform as an associated part of the emergency operation.</p>	<p>The costs to repair a damaged site must be at least \$1,000. Reimbursement will be made to repair the facility to its pre-disaster condition. Additional improvements may be allowed under certain circumstances such as hazard mitigation or code requirements.</p>	<p>The road MUST have been closed OR rendered impassable due to the flood damage. Water over a road does not automatically make a site eligible. Shoulder damage may not be eligible if non-4WD vehicles could still travel safely on the normal driving lanes. Heavy maintenance items (see FHWA column) are not eligible. Reimbursement will be made to repair a road to its pre-event condition. Improvements may also be done to prevent or minimize future damages to a site.</p>
(7) Documentation	<p>PICTURES are needed. Each site should include: location of, description of, and estimated cost to repair the damage (labor, equipment and materials). Final costs will be verified thru invoices and/or force account work. Permanent restoration projects require WisDOT concept recommendation.</p>	<p>FEMA and WisDOT inspectors prepare a Project Worksheet (PW) based upon applicant cost records of the finished work (labor, equipment and materials), contract work, and rental invoices. Any remaining work will be estimated and a partial payment made. Final payment will be made when final costs are completed and submitted to WEM.</p>	<p>(1) Petition forms (available from WisDOT).</p> <p>(2) Site map and pictures.</p> <p>(3) For each site, estimated or final cost reports for labor, equipment, and materials, plus any force account or contractual work.</p> <p>(4) Invoices and/or electronic or hand-written records for applicable costs listed in (3).</p>
(8) Contacts	<p>Tracey McKenney, FHWA 608/829-7522 Tracey.McKenney@fhwa.dot.gov</p>	<p>David LaWall, WEM 608/242-3252 david.lawall@dma.state.wi.us</p>	<p>Janice Watzke, WisDOT 608/266-9497 janice.watzke@dot.state.wi.us</p>